

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>CM1869M/JH</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 99/ 06117</b>	International filing date (day/month/year) <b>26/03/1999</b>	(Earliest) Priority Date (day/month/year) <b>30/07/1998</b>
Applicant <b>THE PROCTER &amp; GAMBLE COMPANY.et.al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

**HAIR CARE COMPOSITIONS COMPRISING POLYSILOXANE RESINS WITH DELOCALISED ELECTRONS**

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/06117

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61K7/06

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 2 297 757 A (GENERAL ELECTRIC) · 14 August 1996 (1996-08-14) cited in the application page 11, line 1 - line 20 ; page 19; claims 1,13; table 7 ---	1,3-5
X	US 5 470 551 A (C. DUBIEF ET AL) 28 November 1995 (1995-11-28) claims 1,2,15 ---	1,3
A	WO 94 08557 A (PROCTER & GAMBLE) ✓ 28 April 1994 (1994-04-28) page 10, line 10 - line 22 page 3, line 25 - line 30; claims 1,9; examples 6,7 --- -/--	1,3

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&amp;" document member of the same patent family

Date of the actual completion of the international search

23 August 1999

Date of mailing of the international search report

31/08/1999

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No

CT/US 99/06117

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 98 19654 A (PROCTER & GAMBLE) ✓ 14 May 1998 (1998-05-14) page 7, line 16 - page 8, line 23; claim 1 ---	1
A	WO 92 16187 A (PROCTER & GAMBLE) 1 October 1992 (1992-10-01) claim 1; example 5 -----	1

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/06117

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
GB 2297757	A	14-08-1996	DE 19603357 A	14-08-1996
			FR 2730497 A	14-08-1996
			JP 8319351 A	03-12-1996
			US 5684112 A	04-11-1997
			US 5817302 A	06-10-1998
US 5470551	A	28-11-1995	FR 2681245 A	19-03-1993
			AT 131038 T	15-12-1995
			AU 672759 B	17-10-1996
			AU 2650192 A	27-04-1993
			CA 2096430 A	18-03-1993
			DE 69206595 D	18-01-1996
			DE 69206595 T	02-05-1996
			DK 557512 T	22-04-1996
			EP 0557512 A	01-09-1993
			ES 2080518 T	01-02-1996
			WO 9305762 A	01-04-1993
			GR 3018966 T	31-05-1996
			JP 6505504 T	23-06-1994
WO 9408557	A	28-04-1994	AU 5363394 A	09-05-1994
			CA 2147474 A	28-04-1994
			CN 1098901 A	22-02-1995
			EP 0665740 A	09-08-1995
			JP 8502491 T	19-03-1996
			MX 9306599 A	30-06-1994
			TR 27425 A	21-04-1995
WO 9819654	A	14-05-1998	JP 11500458 T	12-01-1999
WO 9216187	A	01-10-1992	AT 131033 T	15-12-1995
			AU 1664992 A	21-10-1992
			BR 9205780 A	28-06-1994
			CA 2106060 A	20-09-1992
			CN 1067174 A,B	23-12-1992
			CZ 9301944 A	16-03-1994
			DE 69206609 D	18-01-1996
			DE 69206609 T	08-08-1996
			DK 576578 T	06-05-1996
			EP 0576578 A	05-01-1994
			ES 2081106 T	16-02-1996
			FI 934077 A	02-11-1993
			GR 3018378 T	31-03-1996
			HU 65875 A	28-07-1994
			JP 6506214 T	14-07-1994
			MX 9201198 A	01-08-1993
			NO 933282 A	19-11-1993
			NZ 242025 A	28-03-1995
			PT 100267 A	30-07-1993
			SK 100493 A	07-09-1994
			TR 27990 A	13-11-1995
			US 5843418 A	01-12-1998
			US 5807545 A	15-09-1998
			US 5855878 A	05-01-1999

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


Applicant's or agent's file reference CM1869M/JH		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US99/06117	International filing date (day/month/year) 26/03/1999	Priority date (day/month/year) 30/07/1998	
International Patent Classification (IPC) or national classification and IPC A61K7/06			
Applicant THE PROCTER & GAMBLE COMPANY et.al.			

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
  - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  07/02/2000	Date of completion of this report  10.08.2000
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Li Voti, L  Telephone No. +49 89 2399 8497



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US99/06117

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-30 as originally filed

**Claims, No.:**

1-10 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	5
	No:	Claims	1-4, 6-10
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US99/06117

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2. Citations and explanations

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US99/06117

**Ad section V.:**

The following documents are cited herein:

D1= US 5286476 A  
D2= US 4839167 A  
D3= EP 0411202 A  
D4= FR 2676923 A  
D5= EP 0095238 A  
D6= JP-A-1168608 (Patent Abstracts of Japan)  
D7= JP-A-56110607 (Patent Abstracts of Japan)  
D8= WO-A-94/08557  
D9= WO-A-98/19654  
D10= GB-A-2297757  
D11= US-A-5470551

A hair care composition comprising a polysiloxane resin of the type used in the present application, e.g. a substituted phenyl siloxane, and destined not to be rinsed off after application to the hair was already known from the prior art (see D1, claims and examples 2 and 25; D2, example 1, table 1 A and C to H; D3, claims and example 8; D4, claims, page 4, lines 5-22 and example 5; D5, claims and page 3, line 15 to page 6, line 7; D6 ; D7; D8, claims and examples I-IV, VI, VII, XI and D9, claims).

Therefore, the subject-matter of claims 1 and 9 appear to lack novelty (Article 33(2) PCT). Moreover, the products disclosed in the above mentioned documents need to be packaged for commercial use. Therefore, also the subject-matter of claim 10 lacks novelty.

The additional features of the remaining claims 2 to 4 and 6 to 8 are also known from at least one of the above mentioned documents.

Therefore, also these claims lack novelty.

Moreover the use of a 2-phenylpropyl substituted polysiloxane resin had already been suggested in the art, e.g. in D10 and D11. Therefore, it was obvious for a skilled man to



use such a polysiloxane in one of D1 to D9, which all relate to the use of aryl derivatives of polysiloxane.

Consequently, the subject-matter of claim 5 cannot amount to an inventive step (Article 33(3) PCT).

**Ad section VII.:**

Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (one of documents D1 to D11) being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D11 is not mentioned in the description, nor are these documents identified therein.

**Ad section VIII.:**

The word "about" referred to numerical ranges in the description detracts from the clarity of such claims.

Moreover, claim 10 is unclear insofar as it requires also protection for the instructions for use of the packaged product, which instructions are however not patentable under Rule 67 PCT. Therefore, it has not been clarified whether this claim relates just to an aspect of the package being printed or containing a leaflet or intends really to cover the presentation of instructions.